

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

**SHAQUAN BROWN,
SAHIR MCCORKLE, and
TYREEK BYRD**

CRIMINAL ACTION NO. 20-260

ORDER

In light of the Supreme Court’s recent decision, *United States v. Taylor*,¹ the government moves to dismiss Counts Five and Nine of the Second Superseding Indictment under Rule 48(a) of the Federal Rules of Criminal Procedure.² Attorneys for the Defendants do not oppose the government’s motion. Counts Five and Nine charge the Defendants with carrying and using a firearm during and in relation to a crime of violence, and aiding and abetting, in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.³ These counts are predicated on Counts Four and Eight of the Second Superseding Indictment, which charge the Defendants with attempted Hobbs Act robbery.⁴ In *Taylor*, the Supreme Court held that attempted Hobbs Act robbery does not qualify as a “crime of violence,” because no element of the offense requires proof that the defendant used, attempted to use, or threatened to use force.⁵ Accordingly, Counts Five and Nine of the

¹ 142 S. Ct. 2015 (2022).

² Rule 48(a) provides that “[t]he government may, with leave of court, dismiss an indictment, information, or complaint. The government may not dismiss the prosecution during trial without the defendant’s consent.”

³ Second Superseding Indictment [Doc. No. 82] at 14, 18.

⁴ Specifically, Count 4 relates to the alleged attempted robbery of D.W. at his home in Philadelphia, Pennsylvania on December 1, 2019. *Id.* at 13. Count 8 relates to the alleged attempted robbery of the home of A.H. in Uwchlan Township, Pennsylvania on January 3, 2020. *Id.* at 17.

⁵ 142 S. Ct. at 2021, 2025-26.

Second Superseding Indictment must be dismissed, given that they are predicated on the attempted Hobbs Act robberies charged in Counts Four and Eight.

AND NOW, this 8th day of February 2023, upon consideration of the government's unopposed Motion to Dismiss Counts Five and Nine of the Second Superseding Indictment [Doc. No. 189], it is hereby **ORDERED** that the government's Motion is **GRANTED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.